

by such information as the Secretary may require;

(4) ensure that funds made available under this chapter are distributed on a competitive basis throughout the State to Local Councils serving rural, urban, and suburban areas of the State; and

(5) assist the Secretary in developing mechanisms to ensure that Local Councils receiving funds under this chapter comply with the requirements of this chapter.

**(b) State preference**

In awarding grants to Local Councils under this chapter, the State, to the maximum extent possible, shall ensure that a broad variety of early learning programs that provide a continuity of services across the age spectrum assisted under this chapter are funded under this chapter, and shall give preference to supporting—

(1) a Local Council that meets criteria, that are specified by the State and approved by the Secretary, for qualifying as serving an area of greatest need for early learning programs; and

(2) a Local Council that demonstrates, in the application submitted under section 9412 of this title, the Local Council's potential to increase collaboration as a means of maximizing use of resources provided under this chapter with other resources available for early learning programs.

**(c) Local preference**

In awarding grants under this chapter, Local Councils shall give preference to supporting—

(1) projects that demonstrate their potential to collaborate as a means of maximizing use of resources provided under this chapter with other resources available for early learning programs;

(2) programs that provide a continuity of services for young children across the age spectrum, individually, or through community-based networks or cooperative agreements; and

(3) programs that help parents and other caregivers promote early learning with their young children.

**(d) Performance goals**

**(1) Assessments**

Based on information and data received from Local Councils, and information and data available through State resources, the State shall biennially assess the needs and available resources related to the provision of early learning programs within the State.

**(2) Performance goals**

Based on the analysis of information described in paragraph (1), the State shall establish measurable performance goals to be achieved through activities assisted under this chapter.

**(3) Requirement**

The State shall award grants to Local Councils only for purposes that are consistent with the performance goals established under paragraph (2).

**(4) Report**

The State shall report to the Secretary annually regarding the State's progress toward

achieving the performance goals established in paragraph (2) and any necessary modifications to those goals, including the rationale for the modifications.

**(5) Improvement plans**

If the Secretary determines, based on the State report submitted under paragraph (4), that the State is not making progress toward achieving the performance goals described in paragraph (2), then the State shall submit a performance improvement plan to the Secretary, and demonstrate reasonable progress in implementing such plan, in order to remain eligible for funding under this chapter.

(Pub. L. 106-554, §1(a)(1) [title VIII, §811], Dec. 21, 2000, 114 Stat. 2763, 2763A-86.)

**§ 9411. Local allocations**

**(a) In general**

The Lead State Agency shall allocate to Local Councils in the State not less than 93 percent of the funds provided to the State under this chapter for a fiscal year.

**(b) Limitation**

The Lead State Agency shall allocate funds provided under this chapter on the basis of the population of the locality served by the Local Council.

(Pub. L. 106-554, §1(a)(1) [title VIII, §812], Dec. 21, 2000, 114 Stat. 2763, 2763A-88.)

**§ 9412. Local applications**

**(a) In general**

To be eligible to receive assistance under this chapter, the Local Council shall submit an application to the Lead State Agency at such time, in such manner, and containing such information as the Lead State Agency may require.

**(b) Contents**

Each application submitted pursuant to subsection (a) of this section shall include a statement ensuring that the local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has established or designated a Local Council under section 9413 of this title, and the Local Council has developed a local plan for carrying out early learning programs under this chapter that includes—

(1) a needs and resources assessment concerning early learning services and a statement describing how early learning programs will be funded consistent with the assessment;

(2) a statement of how the Local Council will ensure that early learning programs will meet the performance goals reported by the Lead State Agency under this chapter; and

(3) a description of how the Local Council will form collaboratives among local youth, social service, and educational providers to maximize resources and concentrate efforts on areas of greatest need.

(Pub. L. 106-554, §1(a)(1) [title VIII, §813], Dec. 21, 2000, 114 Stat. 2763, 2763A-88.)